GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Estt. –Gram Panchayat Establishment – Krishna District – Implementation of Orders of APAT in C.A.No. 907/2015 in O.A. No.7264/2013 filed by Sri M.Koteswara Rao Sweeper Nidamanuru GP and in CA No.894/2015 in O.A.No.7029/2014 filed by Sri M.Malleswara Rao, Sweeper, Kondapalli Gram Panchayat - Payment of salaries under Head of Account "010 salaries of Class IV employees" – Sanction – Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT(ESTT.III)DEPARTMENT

G.O.RT.No. 240 Dated: 03-04-2017

Read the following:

Ref: 1) G.O.Ms.No.354, PR&RD (Accts.II) Dept., Dt.16-09-2008.
2) G.O.Rt.No.205, PR&RD (Estt.IV) Dept., Dt.19-02-2010.
3) From the Commissioner, Panchayat Raj & Rural Development, Vijayawada, A.P., Lr. No.10746/ CPR&RD/G3/2013, dt:14-12-2016.
4) Judgment of Hon'ble APAT in O.A.No.7264/2013, dt.22-09-2014.
5) Judgment of the Hon'ble A.P.A.T., Hyderabad in O.A. No.7029/2014 dt:10th December, 2014.
6) Govt. Memo. No.20559/Estt.III/A1/2014,dt:27.02.2014 & dt:7.1.2017.
7) Govt Memo No.20559/Estt.III/A1/ 2014, dt: 06.11.2015.
8) From the Commissioner, Panchayat Raj & Rural Development,Vijayawada, A.P., Lr. No.10746/CPR&RD/G3/2013, Dt:10-01-2017.

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ORDER:

In the reference 1st read above, orders were issued for payment of salaries of provincialised staff of Zilla Parishads, Mandal Parishads and Gram Panchayats, under Head of Account "010 salaries", through Treasuries, w.e.f.01-04-2009. As per these orders, the employees existed as on 20.3.1981 in Panchayat Raj Institutions and also the employees whose services have been regularised by the Government in vacancies caused due to retirement of provincialised employees are alone eligible. The Gram Panchayat Employees whose services are not regularised by the Government and whose salary is being drawn from Gram Panchayat General Funds are not eligible to draw the salary from 010 head even though they are drawing salary in time scale.

2. In the reference 3rd read above, the Commissioner, Panchayat Raj & Rural Development, Vijayawada, Andhra Pradesh has submitted that Sri M.Koteswara Rao, Sweeper,Nidamanuru Gram Panchayat of Vijayawada Rural of Krishna Dist and 14 others have filed O.A. No.7264/2013 before the Hon'ble A.P.A.T., Hyderabad and prayed the Hon'ble Tribunal to release their salaries from 010 Budget. He has also submitted that Sri M.Malleswara Rao,Sweeper, Kondapalli Gram Panchayat of Ibrahimpatnam and 12 others have filed O.A. No.7029/2014 before the Hon'ble A.P.A.T., Hyderabad praying for the same relief.

p.t.o.

3. In the reference 4th & 5th read above, the Hon'ble A.P.A.T.,Hyderabad, on the said O.A. Nos.7264/2013, and 7029/2014, directed the respondents to pay the salaries of the applicants under "010 Head of the Account". In the reference 6Th read above, Government requested the Commissioner, Panchayat Raj & Rural Development and the District Panchayat Officer, Krishna District to take necessary action on the orders of Hon'ble Tribunal and furnish compliance report.

4. In the reference 8th read above, in pursuance of the orders of the Hon'ble APAT, the Commissioner Panchayat Raj & Rural Development, examined the cases of 42 employees which were forwarded by the District Level Committee. Out of 42 candidates 17 candidates are eligible and remaining 25 candidates are not eligible for payment of salaries under 010 head of account. Accordingly, orders were issued to the District Panchayat Officer of Krishna District. But the applicants are not covered in 17 candidates. The DPO also issued speaking orders to the applicants rejecting their request of the applicants. The Commissioner Panchayat Raj & Rural Development has also filed W.P. No.4885 /2017 against the orders of the Hon'ble Tribunal. The case has been admitted but not come up for hearing in High Court.

5. Since the orders were not implemented, the applicant in the O.A.s have filed a Contempt Application in No.894/2015 in O.A.No.7029/2014 and 907/2015 in O.A. No.7264/2013. The Hon'ble Court, in CA No.894/2015 in O.A.No.7029/2014, in its orders dt:19th December,2016 directed the Prl. Secretary to Government to appear in person before the Hon'ble A.P.A.T., Hyderabad on 31.01.2017 at 10.30 a.m. In view of meeting on 31.1.2017, the Prl. Secretary (PR&RWS) could not attend the Court. However, the dispense petition filed stating the above reasons. While rejecting the dispense petition filed by the Government, the Hon'ble Tribunal has issued Bailable warrants to the Prl. Secretary (PR&RWS) in both the cases for his non-appearance and posted the matter for 28.02.2017.

6. In similar case in OA No. 2638/2008 dated 22.01.2009 the APAT has given same direction. The order was also challenged in High Court . The W.P. is still pending with the High Court. In view of the contempt case, the orders were implemented vide G.O.Ms.No. 205 PR dated 19.02.2010 and the appeal filed in High Court is still pending. The Advocate General is pursuing this case also.

7. The APAT in the contempt proceedings, by quoting the above G.O., pressing for implementation of the orders of APAT in both cases subject to outcome of the orders of High Court in Appeal Writ Petition. The GP for Services in High Court has advised to implement the orders of the APAT subject to outcome of orders of High Court in this case. In view of the seriousness of the cases, both cases filed in High Court has been entrusted to the Advocate General.

8. Government after careful examination of the matter and in compliance with the orders of Hon'ble APAT in CA No.894/2015 in O.A.No.7029/2014 and in CA No. 907/2015 in O.A.No.7264/2013 has decided to implement the said orders

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of the Hon'ble Tribunal and accord sanction to the applicants in these two cases for payment of salaries under 010 head of account subject to the following conditions :

a) It is subjected to the outcome of WPs/ Appeals filed by the PR & RD Department in the Hon'ble High Court;

b) it is restricted only to the petitioners covered in these two cases, subject to a policy review by the Government in the matter;

c) this shall not give any right for regularization of services, enhancement of wage, adoption of RPS 2015 and extension of any other benefits or concessions which are not admissible as per the extant orders applicable to these categories of employees; and

d) this case shall not be quoted as a precedent in any case.

9. The Commissioner of Panchayat Raj, A.P., Vijayawada / the District Panchayat Officer, Krishna District shall take necessary action accordingly and they are requested to take necessary steps to expedite the disposal of the W.Ps pending in the Hon'ble High Court.

10. This order issues with the concurrence of Finance (HR.II) Department, vide their U.O.No.31025/25/2017, dated.23-02-2017.

K.S.JAWHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Panchayat Raj and Rural Development, AP, Vijayawada.
The District Panchayat Officer, Krishna District.
The District State Audit Officer, Krishna District, Machilipatnam.
The District Treasury Officer, Krishna District, Machinilipatnam.
The Director of Treasuries and Accounts, A.P., Vijayawada
The Pay and Accounts Officer, A.P., Vijayawada.
Copy to:-
The Government Pleader for Panchayat Raj, APAT, Hyderabad
The Accountant General, AP, Hyderabad.
The Finance (HR.II)Department.
The PS to Min (PR.,RWS &NREGS)
The PS to Prl. Secretary to Govt.(PR)
SF/.SC

// FORWARDED :: BY ORDER //

SECTION OFFICER